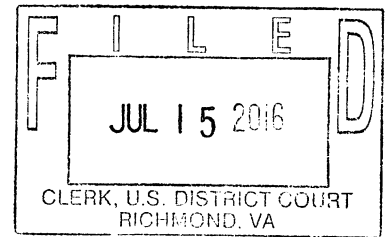


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**



**UNITED STATES OF AMERICA**

v.

**Criminal No. 3:07CR100**

**JAVIER CRUZ GARCIA**

**MEMORANDUM OPINION**

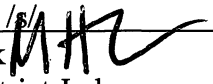
After a guilty plea, the Court convicted Javier Cruz Garcia of attempt to possess with intent to distribute cocaine hydrochloride and possession of a firearm by a convicted felon/illegal alien, and sentenced him to 240 months in prison.

By Memorandum Opinion and Order entered on July 7, 2015, the Court denied a 28 U.S.C. § 2255 motion filed by Garcia. (ECF Nos. 41, 42.) On June 21, 2016, the United States Court of Appeals for the Fourth Circuit denied Garcia's request for authorization to file a successive § 2255 motion. (ECF No. 47.) On June 27, 2016, the Court received another motion under 28 U.S.C. § 2255 from Garcia seeking relief in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015). ("§ 2255 Motion," ECF No. 48.)

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a "gatekeeping mechanism." *Felker v. Turpin*, 518 U.S. 651, 657 (1996) (internal quotation marks omitted). Specifically, "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A). This Court has not received authorization from the United States Court of Appeals for the Fourth

Circuit to allow Garcia to file a successive § 2255 motion. Accordingly, Garcia's § 2255 Motion will be DISMISSED FOR LACK OF JURISDICTION. A certificate of appealability will be DENIED.

An appropriate Order shall issue.

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M. Hannah Lauck   
United States District Judge

Date: JUL 15 2016  
Richmond, Virginia